Return copy

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A Professional Limited Liability Company

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Monica Borne Haab Philip R. Adams, Jr.

FCC/MELLON SEP 1 7 2007

September 10, 2007

### BY OVERNIGHT DELIVERY AND ELECTRONIC FILING

Federal Communications Commission Wireline Competition Bureau 9300 E. Hampton Drive Capitol Heights, MD 20743

FCC c/o Mellon Bank (Via U.S. Mail) Wireline Competition Bureau - CPD- 214 Appls. P.O. Box 358145 Pittsburgh, PA 15251-5145 ATTN: Wholesale Lockbox Shift Supervisor

> Combined application for consent to the transfer of control of a business which has RE: Blanket Domestic Interstate 214 Authority - Transfer of Telliss LLC, Transferor to First Choice Technology, Inc., Transferee

#### Dear Sir or Madam:

Enclosed please find the following documents submitted on behalf of Telliss, LLC and First Choice Technology, Inc.

- The original and four (4) copies of an Application for consent to the transfer of 1. control of a business which has blanket domestic interstate 214 authority.
- The original and four (4) copies of FCC Form 159. 2.
- Our AMEX number authorizing a charge in the amount of \$965.00 representing the 3. filing fee for this Application.

Should you have any questions or require additional information, please do not hesitate to contact me.

I would appreciate if you would return a copy of this letter, date-stamped, in the envelope provided.

Len Novasky
Leon Nowalsky

**Enclosures** 

(1) LOCKBOX#				PRESSESSION CONTRACTOR		
			Table 1			
	SECTION .	A - PAYER INFORMATION	ON SEE			
(2) PAYER NAME (if paying by credit car-				NT PAID (U.S. Dollars and cents)		
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3500 N. Causeway Blvd. #	1442					
(3) STARET ADDRESS LINE NO. 2						
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Telliss, LLC						
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## Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

In the Matter of

Telliss, LLC, Transferor
and
First Choice Technology, Inc., Transferee
Application Pursuant to Section 214 of the

Communications Act of 1934 and Section 63.24 of the Commission's Rules for Consent to the Transfer/Assignment of Telliss, LLC, Transferor

First Choice Technology, Inc., Transferee

and

Application Pursuant to Section 214 of the Communications Act of 1934 and Section 63.04 of the Commission's Rules for Consent to the Transfer of of Telliss, LLC., Transferor First Choice Technology, Inc., Transferee

WC Docket No.

File No. ITC

Attention: International Bureau and Wireline Competition Bureau

## COMBINED/JOINT INTERNATIONAL AND DOMESTIC APPLICATION FOR TRANSFER OF CONTROL

Pursuant to section 214 of the Communications Act of 1934, as amended (the "Act"), and sections 63.04 and 63.24 of the Commission's rules, this Application seeks Commission approval to transfer/assign control of the telecommunications assets of Telliss, Inc. ("Telliss") to First Choice Technology, Inc. ("First Choice") (collectively referred to as "Applicants").1

An application was submitted in April, 2007 for this transfer of control but was subsequently dismissed without prejudice due to a Red Light flag.

Telliss holds authority to provide domestic and international telecommunications services pursuant to section 214 of the Act.<sup>2</sup> The Agreement provides that First Choice will purchase substantially all of the telecommunications assets of Telliss (the "Acquisition"). The Acquisition will therefore result in the assignment of Telliss' 214 authorities to First Choice.

Telliss is a provider of interstate, international and intrastate interexchange telecommunications services. The customers of Telliss will benefit from this transaction through the increased resources and assets available to First Choice, which will help to both ensure continuity of service and enhance the ability of Telliss's customers to receive a broader range of innovative products and services that are offered by First Choice. The Acquisition will therefore serve to enhance the overall capability of First Choice to compete in the marketplace and to provide telecommunications services for a greater number of consumers at competitive rates. Grant of this Application clearly will promote competition in the interstate and international long distance telecommunications markets and will serve the public interest.

#### I. INFORMATION REQUIRED BY SECTION 63.24

This Application seeks authority to transfer/assign the telecommunications assets of Telliss, which holds authority pursuant to section 214 of the Act to provide domestic interstate and international telecommunications service, to First Choice. Section 63.24(e)(2) of the Commission's rules requires that an application for a substantial transfer of control of a carrier

<sup>&</sup>lt;sup>2</sup> Telliss holds domestic and international authority pursuant to section 214 of the Act. Authority was granted in File No. ITC-214-20020129-00065. The certificate was issued in Tellis' assumed name, Net Bill Communications.

holding international section 214 authority include the following information, as described in section 63.18:

(a) The name, address and contact number of the transferor is:

Terry Ballantini, Member Telliss, LLC d/b/a Net Bill and Net Bill Communications 9093 Technology Drive, Suite 103 Fishers, IN 46038

Telephone: (317) 915-2008

Fax:(317) 915-2009

The name, address and contact number of the transferee is:

Scott Howsare, President First Choice Technology, Inc. 601 North Orlando Avenue, Suite 211 Maitland, FL 32751 Telephone: (407) 629-0950

Fax: (407) 629-5320

The name, address and contact number of the holder of section 214 authorities is:

Terry Ballantini, Member Telliss, LLC d/b/a Net Bill and Net Bill Communications 9093 Technology Drive, Suite 103 Fishers, IN 46038 Telephone: (317) 915-2008

Fax: (317) 915-2008

- (b) Telliss an Indiana limited liability company. First Choice is a Delaware corporation.
- (c) Correspondence concerning this Application should be addressed to:

Leon L. Nowalsky Nowalsky, Bronston & Gothard 3500 N. Causeway Blvd., Suite 1442 Metairie, LA 70002 Phone: (504) 832-1984

Phone: (504) 832-1984 Fax: (504) 831-0892

Email: <a href="mailto:lnowalsky@nbglaw.com">lnowalsky@nbglaw.com</a>

d) Tellis was granted authority in File No. ITC-214-20020129-00065

Responses (e) through (g) are not applicable to this Application.

The following are the names, addresses, citizenship, and principal businesses of any (h) person or entity that will directly or indirectly own at least ten percent of the equity of the applicants. There will be no interlocking directorates with any foreign carrier.

#### Telliss, LLC

Terry Ballantini, Member

Address:

9093 Technology Drive, Suite 104, Fishers, Indiana 46038

Citizenship: United States

Principal Business: Telecommunications

Percent Ownership:

Ballantini owns 100% of the common stock of

Telliss prior to the Acquisition

The above individual does not own 10% or more equity or controlling interest in any other telecommunications company.

### First Choice Technology, Inc.

First Choice Technology, Inc.,, a Delaware corporation

Address: 601 North Orlando Avenue, Suite 211, Maitland, FL 32751

Citizenship: United States

Principal Business: Telecommunications

#### Ownership percentages:

Scott Howsare, President

Address: 601 North Orlando Avenue, Suite 211, Maitland, FL 32751

Citizenship: United States

Principal Business: President of First Choice Technology, Inc.

Percent Ownership: 30%

The above individual does not own 10% or more equity or controlling interest in any other telecommunications company.

Leon Nowalsky

Address: 3500 N. Causeway Blvd., Suite 1442, Metairie, LA 70002

Citizenship: United States

Principal Business: Attorney at Law

Percent Ownership: 30%

The above individual does not own 10% or more equity or controlling interest in any other telecommunications company

Robert Sorrentino

Address: 3500 N. Causeway Blvd., Suite 1442, Metairie, LA 70002

Citizenship: United States

Principal Business: Business owner

Percent Ownership: 30%

The above individual owns more than 10% equity or controlling interest in the following telecommunications companies as listed below:

Advantage Telecommunications Corp.

Address:

3001 Aloma Ave., Suite 304

Winter Park, FL 32792

Citizenship: United States

Principal Business: Long Distance Provider Owner: Robert Sorrentino, an individual, 100%

Reduced Rate Long Distance, LLC

Address:

1800 Pembroke Drive, Suite 300

Winter Park, FL 32792

Citizenship: United States

Principal Business: Long Distance Provider Owner: Dominion Business Group, Inc, 100%

Dominion Business Group, Inc.

Address:

11216 Tamiami Trail N. #407, Naples,

Florida 34110-1640

Citizenship: United States

Principal Business: Holding Company Owner: Robert Sorrentino, 100%

The above company does not own 10% or more equity or controlling interest in any other telecommunications company

Horizon Telecom, Inc.

Address:

3993 Howard Hughes Parkway, Suite 250

Winter Park, FL 32792

Citizenship: United States

Principal Business: Long Distance Provider Owner: Robert Sorrentino, an individual, 100%

Reliant Telecommunications, Inc.

Address: 801 International Pkwy. 5th Floor

Lake Mary, FL 32746

Citizenship: United States

Principal Business: Long Distance Provider Owner: Reliant Business Group, Inc., 100%

Reliant Business Group, Inc.

Address:

801 International Pkwy. 5th Floor

Lake Mary, FL 32746

Citizenship: United States

Principal Business: Holding Company Owner: Robert Sorrentino, 100%

The above company does not own 10% or more equity or controlling interest in any other telecommunications company

ERM Trust, a South Dakota Business Trust

Jon Mostrom, Trustee

Address: 14902 Hickory Court, Eden Prairie, MN 55346

Citizenship: United States Principal: Business Trust Percent Ownership: 10%

The above individual does not own 10% or more equity or controlling interest in any other telecommunications company

There are no other individuals or companies which own more than 10% of the equity or controlling interest in the Applicants.

- (i) Applicants certify that they are not, and following the proposed transaction will not be, affiliated with any foreign carrier within the meaning of section 63.09(d) and (e).
- (j) The Applicants certify that they do not seek authority to provide service to any country described in paragraphs (1) through (4) of section 63.18(j).
- (k) Not applicable.
- (1) Not applicable.
- (m) Not applicable.
- (n) Applicants certify that they have not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route

- where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.
- (o) Applicants certify that no party to the Application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This international section 214 Application qualifies for streamlined processing pursuant to section 63.12 because the applicants are not affiliated with any foreign carriers; are not affiliated with any dominant U.S. carriers whose international switched or private line services the applicant seeks authority to resell; and do not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of switched services over private lines. This Application therefore should be granted, pursuant to section 63.12(a), fourteen days after the date of public notice listing this Application as accepted for filing.

## II. ADDITIONAL INFORMATION REQUIRED BY SECTION 63.04

This Application seeks Commission consent to transfer/assign control of substantially all of the telecommunications assets of Telliss, which holds authority to provide domestic and international telecommunications services pursuant to section 214 of the Act. Pursuant to section 63.04(b) of the Commission's rules, the parties submit the following information in support of this Application in response to items 6 through 12 of section 63.04(a):

- 6) As set forth above, this Application seeks Commission consent to transfer/assign control of substantially all of the telecommunications assets of Telliss to First Choice. As a result of the transfer, Telliss will operate and provide service pursuant to the authority of Telliss, the assignment of which is being sought through this Application.
  - 7) [intentionally omitted]
  - 8) This Application qualifies for streamlined processing under section 63.03(b)(2)(I) because the transferee will have a market share in the interstate interexchange market of less than 10 percent, the transferee will provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction, and no party to this Application is dominant with respect to any service.
- (9) The parties will file a slamming certification letter with the Commission, if necessary.
- (10) Only standard streamlined processing of this domestic section 214 transfer of control application is sought pursuant to Section 63.03.

- (11) No waiver requests are being filed in conjunction with the transaction.
- (12) As discussed above, grant of this Application will strengthen First Choice as the post-transaction company will become a stronger competitor in the marketplace for interstate and international telecommunications services. The customers of Telliss will benefit from First Choice's resources and assets, which will help ensure continuity of service and enhance the ability of First Choice to offer a broader range of innovative products and services to customers. Grant of this Application will promote competition in the domestic interexchange and international telecommunications markets and will serve the public interest.

#### III. CONCLUSION

For the foregoing reasons, this Application respectfully requests that the Commission consent to the transfer/assignment of control of Telliss to First Choice.

Respectfully submitted,

Lew L. Nyelley

Leon L. Nowalsky

Nowalsky, Bronston & Gothard, APLLC

3500 N. Causeway Blvd. #1442

Metairie, Louisiana 70002

Counsel for Telliss, LLC and First Choice

Technology, Inc.